

**Minutes
of the
Stormwater Management Committee (SWMC)
September 1, 2016

8:00 AM
800 Second Avenue South
Metro Office Building, 1st Floor – Development Services Conference Room**

STORMWATER MANAGEMENT COMMITTEE

(Quorum Required: Four Members)

Committee Members Present:

Mr. Roy Dale, P.E.
Ms. Debra Grimes
Ms. Anna Maddox, P.E.
Mr. Slade Sevier, P.E. – Vice Chairman
Mr. Lance Wagner, P.E. – Chairman

Committee Members Absent

Ms. Ronette Adams-Taylor
Mr. Dodd Galbreath

I. CALL TO ORDER

The meeting was called to order at 8:12 a.m.

II. APPROVAL OF AUGUST 4, 2016 MEETING MINUTES & DECISION LETTERS

Mr. Lance Wagner moved and Ms. Debra Grimes seconded the motion to approve the meeting minutes and decision letters for the August 4, 2016 meeting. Mr. Roy Dale, Ms. Grimes, Ms. Anna Maddox, and Mr. Wagner voted in favor of the motion. Mr. Slade Sevier abstained from the vote because he did not attend the meeting.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

Comments were solicited from the Planning and Codes Departments for the following Agenda items.

1. 201600019

2826 Sugartree Road
(Single Family Residential)
APN 11709008900
Inspector: (Kimberly Hayes)

CD-25 (Russ Pulley)

APPLICANT'S REQUEST: Variance request is to allow the following:

- 1) Disturbance and encroachment of the 75' floodway buffer (50' Zone 1 & 25' Zone 2) of Sugartree Creek for construction of an elevated addition to a single family residence (with parking below), deck, and driveway, and installation of EPSC measures.
- 2) Placement of Stormwater BMPs in the buffer.
- 3) Continuous mowing and maintenance of the buffer.
- 4) Placement of buffer signage in an alternate location.

APPELLANT: Kevin Hartley & Sara Hartley

REPRESENTATIVE: Mr. Kevin Gangaware

COMMENTS:

SW STAFF: Staff comments are as follows:

1. The pre- and post- conditions for the infill computations are not provided on the grading plan. If the variance is approved, Staff requests that a condition be added that they be included on the revised plan.
2. As mitigation, the applicant is proposing to pass all existing and proposed impervious surface from the property through a treatment measure before entering the stream. In addition, three flowering dogwood trees are proposed as landscape mitigation.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways defers to Metro Storm Water comments.

Mr. Kevin Gangaware gave an overview of the project and the variance request. He stated that per the Zoning Code, the house is not allowed to be any closer to the street than it already is and is closer to the street than the average of the four adjacent houses. There was discussion regarding the water quality treatment proposed as additional mitigation. There will be increased impervious area for the addition but a 669 sq. ft. reduction in total impervious area. There was also discussion regarding the proposed material for the parking surface underneath the addition. The Committee made no requirement; however, the applicant will need to show the material on the final plan submitted for Staff review and approval. Mowing and maintenance of the buffer area was also discussed. Mr. Slade Sevier made a motion to approve as is with the following Conditions #1-2 and standard Conditions #3-4. Mr. Roy Dale seconded the motion. Mr. Dale, Ms. Debra Grimes, Ms. Anna Maddox, Mr. Sevier, and Mr. Lance Wagner voted in favor of the motion.

1. The Appellant shall include the pre- and post- conditions for the infill computations on the revised Grading Plan.
2. The Appellant shall show the tree line on the revised plans. It certainly needs to be understood by the Appellant that they are not allowed to ever do anything past that tree line (no mowing and no disturbance).
3. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Development Services, in writing (referencing Variance #201600019), once plantings are installed per approved variance plans and again once plantings have been found to meet a two full growing season requirement. The owner shall maintain a minimum of 75 percent survivability of plantings through two full growing seasons.
4. This variance will expire on September 1, 2017. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

2. 201600020

Lot 11 – Colonial Cottages (Warfield Dr.)
(Single Family Residential)
1906, 1908, & 1906B Warfield Drive
Map 131-031T, Parcels 00100CO, 00200CO, and 90000CO
Inspector: (Kimberly Hayes) CD-25 (Russ Pulley)

APPLICANT'S REQUEST: Variance #201500015 was previously granted on November 5, 2015. The applicant is now requesting a completely new variance to allow the following:

- 1) Disturbance and encroachment of the 50' stream buffer (30' Zone 1 & 20' Zone 2) of an unnamed tributary to Sugartree Creek for construction of first level concrete patios and second level decks off the rear of two single family residential structures, and grading within the last 20' of the Zone 1 buffer as shown on the Plan of Record.
- 2) Disturbance of the Zone 1 buffer for installation of a wooden privacy fence.
- 3) Installation of mitigation plantings at the rear of the existing lawn.
- 4) Installation of modified buffer signage.
- 5) Maintenance of the exterior 20' of the 30' Zone 1 buffer. The applicant is proposing to leave the first 10' (from top of bank) completely undisturbed. The next 10' will contain the mitigation area, and the applicant requests the ability to keep it maintained and weeded as needed. The final 10' is proposed to be lawn and maintained in keeping with a typical lawn area.

APPELLANT: Dean Design Group

REPRESENTATIVE: Mr. Charley Dean

COMMENTS:

SW STAFF: Staff comments are as follows:

1. Changes that impact the previously granted variance include: a) grading in Zone 1 for sheet flow, b) change from previously-approved decks with gaps to allow stormwater to reach grade and 4'x4' concrete stoops underneath to decks with gaps and impervious concrete patios underneath the entire deck.
2. This one lot out of the total six for Colonial Properties was granted a variance without the requirement of a single family residential infill stormwater control measure.
3. No AC pads were shown on the plan for the previously approved variance. Based on Staff's previous experience with a non-related site, the proposed 30"x30" AC pads may be required to be larger than shown on the plans (especially for a 3-story unit). Question: Plan note states "(Typical)", but has the applicant determined final sizing requirements?
4. On the Mitigation Landscape Plan, the two-year survivability condition is not noted. If the variance is approved, Staff requests that a condition be added that a revised mitigation plan be submitted to Stormwater Staff for review and approval with the required two-year survivability condition note and the correct parcel addresses and APN numbers.
5. If the variance is approved, Staff requests that conditions be added for each 10' section of the 30' Zone 1 buffer regarding specific, approved mowing and maintenance requirements; for example, mow or no-mow, limited maintenance, remain undisturbed, etc.
6. If the variance is approved, Staff requests that a condition be added that the grading plan be revised to show correct parcel addresses and APN numbers. Addresses were changed in the Property Assessor database after submittal.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways defers to Metro Storm Water comments.

Mr. Charley Dean gave an overview of the project and variance request. There was discussion regarding previous variance approvals in August for Lots 8-6. There was also discussion regarding each of the 10' wide portions of the 30' Zone 1 buffer with clarification to be provided on the plan for what will be no-disturb and what will be mowed and/or maintained.

After discussion during the Executive Session of the Committee and review of the information presented, Ms. Anna Maddox moved for approval with the following standard Condition #4. Mr. Slade Sevier seconded the motion. Mr. Sevier then made a motion to amend to include the following Conditions #1-3 as stated in Staff comments. Ms. Debra Grimes seconded the motion. Mr. Roy Dale, Ms. Grimes, Ms. Maddox, Mr. Sevier, and Mr. Lance Wagner voted in favor of the amendment. The main motion with amendment was approved by the same.

1. The Appellant shall revise the Mitigation Plan to include the correct parcel addresses and APN numbers and the following SWMC 2-Year Survivability standard condition:
"The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Development Services, in writing (referencing Variance #201600020), once plantings are installed per approved variance plans and again once plantings have been found to meet a two full growing season requirement. The owner shall maintain a minimum of 75 percent survivability of plantings through two full growing seasons."
2. For each 10' section of the 30' Zone 1 buffer, the Appellant shall add notes to state the specific, approved mowing and maintenance requirements; for example, mow or no-mow, limited maintenance, remain undisturbed, etc.
3. The Appellant shall revise the Grading Plan to show correct parcel addresses and APN numbers.
4. This variance will expire on September 1, 2017. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 201600020 as set out above and further described in the case record, be and is hereby **GRANTED.**"

The reasons for approval were the hardship of the property and the existing conditions.

3. 201600021

Lot 10 – Colonial Cottages (Warfield Dr.)
(Single Family Residential)

1910, 1912, & 1910C Warfield Drive

Map 131-0220, Parcels 00100CO, 00200CO, and 90000CO

Inspector: (Kimberly Hayes)

CD-25 (Russ Pulley)

APPLICANT'S REQUEST: Variance #201600002 was previously granted on February 4, 2016. The applicant is now requesting a completely new variance to allow the following:

- 1) Disturbance and encroachment of the 50' stream buffer (30' Zone 1 & 20' Zone 2) of an unnamed tributary to Sugartree Creek for construction of first level concrete patios and second level decks off the rear of two single family residential structures, and grading within the last 20' of the Zone 1 buffer as shown on the Plan of Record.
- 2) Disturbance of the Zone 1 buffer for installation of a wooden privacy fence.

- 3) Placement of Stormwater BMPs in the buffer.
- 4) Installation of mitigation plantings at the rear of the existing lawn.
- 5) Installation of modified buffer signage.
- 6) Maintenance of the exterior 20' of the 30' Zone 1 buffer. The applicant is proposing to leave the first 10' (from top of bank) completely undisturbed. The next 10' will contain the rain gardens and mitigation area, and the applicant requests the ability to keep it maintained and weeded as needed. The final 10' is proposed to be lawn and maintained in keeping with a typical lawn area.

APPELLANT: Dean Design Group

REPRESENTATIVE: Mr. Charley Dean

COMMENTS:

SW STAFF: Staff comments are as follows:

1. Changes that impact the previously granted variance include: a) changing pervious paver driveway turnarounds to concrete, b) rain gardens in the Zone 1 buffer, c) elimination of Modified French Drains and sheet flow to rain gardens, d) grading in Zone 1 to sheet flow to rain gardens, e) change from previously-approved decks with gaps to allow stormwater to reach grade and 4'x4' concrete stoops underneath to decks with gaps and impervious concrete patios underneath the entire deck, and f) previously-approved 4'x4' AC pads relocated from the rear to 30"x30" pads on the sides of structures.
2. Based on Staff's previous experience with a non-related site, the proposed 30"x30" AC pads may be required to be larger than shown on the plans (especially for a 3-story unit). Question: Plan note states "(Typical)", but has the applicant determined final sizing requirements?
3. The Mitigation Landscape Plan states "Hydroseed" for the rain garden; however, per the rain garden specification, native plantings are required. The two-year survivability condition is also not noted. If the variance is approved, Staff requests that a condition be added that a revised mitigation plan be submitted to Stormwater Staff for review and approval with the required rain garden plantings, the two-year survivability condition note, and the correct parcel addresses and APN numbers.
4. If the variance is approved, Staff requests that conditions be added for each 10' section of the 30' Zone 1 buffer regarding specific, approved mowing and maintenance requirements; for example, mow or no-mow, limited maintenance, remain undisturbed, etc.
5. If the variance is approved, Staff requests that a condition be added that the grading plan be revised to show correct parcel addresses and APN numbers. Addresses were changed in the Property Assessor database after submittal.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways defers to Metro Storm Water comments.

Mr. Charley Dean gave an overview of the project and the variance request. There was discussion regarding proposed changes versus the previous approval, including the proposed treatment measures (rain gardens), the pervious paver turnarounds, and grading of the site. Mr. Dean stated that Modified French Drains were originally proposed; however, after geotechnical testing, the applicant did not want to propose MFDs that close to the foundations. Rain gardens in the mitigation area are proposed instead. He also stated that the "Hydroseed" specified on the mitigation plan is a mix of native wildflowers that are specified in the ordinance and in compliance.

There was further discussion regarding water quality treatment. The Committee expressed concern about the loss of the pervious pavers for the turnaround. Grading of the lot to fall to the pavers was discussed.

Mr. Roy Dale asked other members if there was a benefit to having the rain gardens. The Committee discussed potential drainage concerns, along with the need for maintenance. Ms. Kimberly Hayes (MWS – Development Services) stated that the rain gardens are only 18 inches deep. Mr. Dale stated that there is some water quality from sheet flow across the back of the property, more consistent with Lot 11 as well.

After discussion during the Executive Session of the Committee and review of the information presented, Mr. Slade Sevier moved for approval with the following Conditions #1-6 and standard Condition #7. Mr. Dale seconded the motion. Mr. Dale, Ms. Debra Grimes, Ms. Anna Maddox, and Mr. Sevier voted in favor of the motion. Mr. Lance Wagner voted against the motion.

1. The Appellant shall revise the Grading Plan to include the original pervious pavers in the front drives, and the drives need to be graded in a manner that water does run towards the pervious paver portion.
2. The bioretention areas in the back/rear shall be omitted. The requirement for treatment is waived.
3. The Appellant shall revise the Mitigation Plan to include the correct parcel addresses and APN numbers and the following SWMC 2-Year Survivability standard condition:
“The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Development Services, in writing (referencing Variance #201600021), once plantings are installed per approved variance plans and again once plantings have been found to meet a two full growing season requirement. The owner shall maintain a minimum of 75 percent survivability of plantings through two full growing seasons.”
4. For each 10’ section of the 30’ Zone 1 buffer, the Appellant shall add notes to state the specific, approved mowing and maintenance requirements; for example, mow or no-mow, limited maintenance, remain undisturbed, etc.
5. The Appellant shall revise the Grading Plan to show correct parcel addresses and APN numbers.
6. The Appellant shall coordinate with Staff on review and approval of the required water quality buffer signage and location(s).
7. This variance will expire on September 1, 2017. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 201600021 as set out above and further described in the case record, be and is hereby **GRANTED.**”

The reasons for approval were to be consistent with the rest of the street, the impervious area (concrete patio) is covered with decking, the hardship of the property, and the existing conditions.

4. 201600022

Lot 9 – Colonial Cottages (Warfield Dr.)

(Single Family Residential)

1914A6, 1914B, & 1914C Warfield Drive

Map 131-022N, Parcels 00100CO, 00200CO, and 90000CO

Inspector: (Kimberly Hayes)

CD-25 (Russ Pulley)

APPLICANT'S REQUEST: Variance #201600003 was previously granted on February 4, 2016. The applicant is now requesting a completely new variance to allow the following:

- 1) Disturbance and encroachment of the 50' stream buffer (30' Zone 1 & 20' Zone 2) of an unnamed tributary to Sugartree Creek for construction of first level concrete patios and second level decks off the rear of two single family residential structures, and grading within the last 20' of the Zone 1 buffer as shown on the Plan of Record.
- 2) Disturbance of the Zone 1 buffer for installation of a wooden privacy fence.
- 3) Placement of Stormwater BMPs in the buffer.
- 4) Installation of mitigation plantings at the rear of the existing lawn.
- 5) Installation of modified buffer signage.
- 6) Maintenance of the exterior 20' of the 30' Zone 1 buffer. The applicant is proposing to leave the first 10' (from top of bank) completely undisturbed. The next 10' will contain the rain gardens and mitigation area, and the applicant requests the ability to keep it maintained and weeded as needed. The final 10' is proposed to be lawn and maintained in keeping with a typical lawn area.

APPELLANT: Dean Design Group

REPRESENTATIVE: Mr. Charley Dean

COMMENTS:

SW STAFF: Staff comments are as follows:

1. Changes that impact the previously granted variance include: a) changing pervious paver driveway turnarounds to concrete, b) rain gardens in the Zone 1 buffer, c) elimination of Modified French Drains and sheet flow to rain gardens, d) grading in Zone 1 to sheet flow to rain gardens, e) change from previously-approved decks with gaps to allow stormwater to reach grade and 4'x4' concrete stoops underneath to decks with gaps and impervious concrete patios underneath the entire deck, and f) previously-approved 4'x4' AC pads relocated from the rear to 30"x30" pads on the sides of structures.
2. Based on Staff's previous experience with a non-related site, the proposed 30"x30" AC pads may be required to be larger than shown on the plans (especially for a 3-story unit). Question: Plan note states "(Typical)", but has the applicant determined final sizing requirements?
3. The Mitigation Landscape Plan states "Hydroseed" for the rain garden; however, per the rain garden specification, native plantings are required. The two-year survivability condition is also not noted. If the variance is approved, Staff requests that a condition be added that a revised mitigation plan be submitted to Stormwater Staff for review and approval with the required rain garden plantings, the two-year survivability condition note, and the correct parcel addresses and APN numbers.
4. If the variance is approved, Staff requests that conditions be added for each 10' section of the 30' Zone 1 buffer regarding specific, approved mowing and maintenance requirements; for example, mow or no-mow, limited maintenance, remain undisturbed, etc.
5. If the variance is approved, Staff requests that a condition be added that the grading plan be revised to show correct parcel addresses and APN numbers. Addresses were changed in the Property Assessor database after submittal.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways defers to Metro Storm Water comments.

After discussion during the Executive Session of the Committee and review of the information presented, Mr. Roy Dale moved for approval with the following Conditions #1-6 and standard Condition #7. Ms.

Anna Maddox seconded the motion. Mr. Dale, Ms. Debra Grimes, Ms. Maddox, and Mr. Slade Sevier voted in favor of the motion. Mr. Lance Wagner voted against the motion.

1. The Appellant shall revise the Grading Plan to include the original pervious pavers in the front drives, and the drives need to be graded in a manner that water does not run towards the pervious paver portion.
2. The bioretention areas in the back/rear shall be omitted. The requirement for treatment is waived.
3. The Appellant shall revise the Mitigation Plan to include the correct parcel addresses and APN numbers and the following SWMC 2-Year Survivability standard condition:
“The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Development Services, in writing (referencing Variance #201600022), once plantings are installed per approved variance plans and again once plantings have been found to meet a two full growing season requirement. The owner shall maintain a minimum of 75 percent survivability of plantings through two full growing seasons.”
4. For each 10’ section of the 30’ Zone 1 buffer, the Appellant shall add notes to state the specific, approved mowing and maintenance requirements; for example, mow or no-mow, limited maintenance, remain undisturbed, etc.
5. The Appellant shall revise the Grading Plan to show correct parcel addresses and APN numbers.
6. The Appellant shall coordinate with Staff on review and approval of the required water quality buffer signage and location(s).
7. This variance will expire on September 1, 2017. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 201600022 as set out above and further described in the case record, be and is hereby **GRANTED.**”

The reasons for approval were to be consistent with the rest of the street, the impervious area (concrete patio) is covered with decking, the hardship of the property, and the existing conditions.

5. 201600023

Mill Creek Soccer Complex
5601, 5611, & 5605 Pettus Road
Map 173, Parcels 95 & 96 and Map 174, Parcel 7

Inspector: (Shawn Herman)

CD-31 (Fabien Bedne)

APPLICANT'S REQUEST: Variance request is to allow the following:

- 1) Disturbance and encroachment of the floodway and 75' floodway buffer (50' Zone 1 & 25' Zone 2) of Mill Creek for construction of multiple athletic (soccer) fields with associated grading and installation of EPSC measures, as shown on the Plan of Record.
- 2) Excavation (cut) volume of 11,361 cubic yards below the 2-year elevation (523.34') to be included in the compensating storage capacity calculations.
- 3) Placement of Stormwater BMPs in the buffer.
- 4) Placement of modified buffer signage.
- 5) Continuous mowing and maintenance of a significant portion of buffer.

APPELLANT: Metro Parks and Recreation Department

REPRESENTATIVE: Mr. Michael Pavin

COMMENTS:

SW STAFF: Staff comments are as follows:

1. The applicant is aware of the requirement to have TDEC and CORPS jurisdictional determinations, along with state and/or federal mitigation requirements, etc., submitted in the variance application. Copies of state and federal permit applications were submitted. As of this date, the applicant has submitted an email from the Corps stating that they have “determined there are not wetlands on the site” and that a “no permit required letter” was to be drafted; however, Staff has not received a copy of a response from TDEC nor a final letter from the Corps.
2. Per the Overall Landscape Plan (Sheet L1.00), additional tree plantings have been proposed as mitigation. Staff requests further clarification of which areas will be mowed/maintained and which areas will remain undisturbed. For example, the two areas in the southwest and southeast corners of the property that are shown outside of the limits of disturbance – are they to be left undisturbed/no-mow?
3. Question: Are the swales proposed as mitigation?
4. At this time, the grading permit application (SWGR T2016039648) is under sufficiency review. Given the scope of the project, Staff anticipates a possibility that there may be minor plan changes that will be needed. Staff requests clarification from the Committee as to whether or not minor changes that do not materially impact the variance will be allowed (as determined by Staff) or will any change in the plan necessitate a return to the Committee?
5. Currently, the No-Rise Certification is under review.
6. The applicant has provided an Alternate Plan that does not require a variance.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Metro Greenways is in support of this project that provides recreation services in an area identified as currently underserved and is a key component in the Greenways Master Plan.

Mr. Richard Harrington, 5622 Pettus Road, submitted an email in opposition to any development of the property stating the following:

1. He has seen flooding of the property numerous times over the last decade, and he experienced severe flooding during the May 2010 flood.
2. Any gravel, rock, or pavement brought into the floodway will cause extreme drainage of rainwater that has been previously absorbed by the soil.
3. He is opposed to any noise and light pollution that would come from development of the property.
4. Other areas could be developed that would be more practical and less costly to the community.

Mr. George Fowler, Mr. Jean Cheveallier, and Ms. Rebecca Ratz were in attendance as representatives. Mr. Fowler stated that they have been in constant contact with TDEC and the Corps and incorporated the jurisdictional determinations into the permits, and they are processing. They have received verbal and email confirmation that no permit is required for the Corps. TDEC is still in process of the review of the permit. He requested that the Committee grant conditional approval based off State and Corps approvals once received.

Mr. Fowler gave a brief overview of the project. He stated that the swales adjacent to the soccer fields are proposed as mitigation for nutrient removal. Mr. Lance Wagner asked if there would be bleachers, to which the applicant stated no. There would be no potential floatables in the area, and details would be outlined in the lease agreement. Mr. Roy Dale made an observation regarding trees and devastation in flood events. There was discussion regarding the landscape mitigation, mow/no-mow areas, modified buffer signage, and bridges (to be constructed per permissible buffer impacts).

Mr. Roger Lindsey (MWS – Stormwater) was asked if the No-Rise Certification was still under review, to which he stated yes. There was discussion regarding modified buffer signage. Mr. Dale suggested signage around bioretention areas as an educational component and benefit. Mr. Fowler stated that signage was not shown on the plan, but they are proposing to place signage along the edge of the greenway. The Committee agreed to allow the applicant to work with staff on modified buffer signage and placement. The submitted maintenance plan was discussed – managing the fields, fertilizer, etc. Mr. Wagner asked if the plan had been reviewed by Staff. Ms. Rebecca Dohn (MWS Stormwater – NPDES) stated that as long as it is Metro’s standard, it should be ok. There was discussion regarding any material changes outside of floodplain area and whether or not the applicant would have to return to the Committee. Mr. Fowler stated that if they should be required to put in detention pond, there is ample space outside of floodplain. The Committee agreed that there would be no issue with it as long as it does not impact the buffers or floodway. Mr. Fowler stated that part of sufficiency review is to submit calculations to show detention is not required, and he does not anticipate a need for detention. If detention is needed, it would be at the upper west end, out of the floodway and buffers. The Committee also clarified that if more cut or fill is needed to balance, the applicant will have to return to the Committee.

After discussion during the Executive Session of the Committee and review of the information presented, Mr. Dale made a motion to approve as presented with the following Conditions #1-2 and standard Conditions #3-4. Mr. Slade Sevier seconded the motion. Mr. Dale, Ms. Debra Grimes, Ms. Anna Maddox, Mr. Sevier, and Mr. Wagner voted in favor of the motion.

1. The No-Rise Certification shall be reviewed and approved by Staff.
2. The Appellant shall coordinate with Staff on review and approval of the modified water quality buffer signage and placement.
3. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201600023), once plantings are installed per approved variance plans and again once plantings have been found to meet a two full growing season requirement. The owner shall maintain a minimum of 75 percent survivability of plantings through two full growing seasons.
4. This variance will expire on September 1, 2017. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

The reasons for approval were that: 1) the project fulfills the need in the community, 2) it is an activity allowed by the zoning code, 3) it is beneficial to the public and has an educational component, and 4) it is good use of the floodplain.

6. 201600024

United Parcel Service
3205 Whites Creek Pike
APN 05900007200

Inspector: (Katherine O'Hara)

CD-03 (Brenda Haywood)

APPLICANT'S REQUEST: Previously granted Preliminary Stormwater Management (SWM) Plan approval on July 7, 2016. This actual variance request is to allow the following:

- 1) Disturbance and encroachment of the floodway and 75' floodway buffer (50' Zone 1 & 25' Zone 2) of Ewing Creek, tributary to Whites Creek for installation of parking and circulation drive, installation of retaining walls, drainage outfall pipes and structures, grading for floodplain compensation and mitigation, and installation of EPSC measures, all as shown on the Plan of Record.
- 2) Excavation (cut) volume of 8,300 cubic yards below the 2-year elevation to be included in the compensating storage capacity calculations.
- 3) Placement of Stormwater BMP in the buffer.
- 4) Limited continuous mowing and maintenance within the Zone 1 and 2 buffers (TVA Easement Limits).

APPELLANT: United Parcel Service, Inc. (UPS)

REPRESENTATIVE: Mr. Jason Deal

COMMENTS:

SW STAFF: Staff comments are as follows:

1. No water quality treatment is shown on the Grading Plan for the proposed parking on the parcel of the former church (Map 59, Parcel 73). Staff requests that if the variance is approved, a condition be added that for the final grading permit application submittal, the applicant either remove the proposed parking for later or provide water quality treatment.
2. The applicant has provided a written response as to why Condition #2 of the Preliminary Plan approval could not be met regarding the requirement to submit a legal agreement with TVA on the landscaping mitigation and maintenance. The letter does include a proposed vegetation maintenance plan.
3. In response to previous Staff comments, the applicant submitted a set of 11x17 landscape plan sheets to identify/clarify the proposed landscape mitigation specifically for the variance request (Sheets L1.00-L1.04, and L7.01-7.04). If the variance is approved, Staff requests that a condition be added that the applicant submit a full-size set of plans with the final grading permit application with the following corrections:
 - a. Clearly delineate and label the floodway and floodway buffers on all applicable sheets.
 - b. Modify the SWMC 2-year survivability condition to include the final variance number.
4. Currently, the No-Rise Certification is under review.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: The owner has identified a Greenways Conservation Easement, per Metro Greenways request, that they propose to Quit Claim to Metro. Greenways is in support of this easement as mitigation for buffer disturbance. This future greenway is identified in the Greenways Master Plan as a community planned greenway.

Mr. Roy Dale recused himself from the case.

Councilwoman Brenda Haywood submitted a letter (read into the record) strongly supporting the variance request and stating the following:

1. The expansion will provide improved economic impact in the area.
2. UPS is critical to the future economic vitality of the area and will benefit Nashville's fiscal health.
3. The expansion will build on the strong relationship Nashville and UPS has developed over the years and maintain a positive impact on the community.

In response to a previous question asked during the July 7, 2016 hearing of whether or not any previous variances had been granted, Ms. Paula Kee (Secretary) stated that Variance #1985-001 was granted March 20, 1985 for placement of approximately 9,600 cubic yards of uncompensated fill in the Ewing Creek floodplain to construct the UPS facility.

Mr. Stan Kania, Mr. David Standish, Mr. Jeff Cundiff, and Mr. Charley Smith were in attendance as representatives. Mr. Kania gave an overview of UPS' 2015 Corporate Sustainability Executive Summary Report and discussed some of the specific improvements being done onsite as part of its commitment to environmental responsibility. In response to the Committee's conditions regarding approval of the Preliminary Stormwater Management (SWM) Plan, Mr. Kania stated that although UPS did reach out to TVA and was willing to enter into an agreement, it is not something that TVA does with owners. TVA is open to UPS maintaining the easement which will eliminate their need to use herbicides. UPS is working with Metro Parks and is agreeable to granting an easement and has also signed up for the Metro Nashville Adopt-a-Stream Program. A landscape mitigation plan has been provided which will provide more greenery. Underground vaults will be used for detention and improved water quality (less suspended solids) and also allow parking on top. Some pervious pavement was added in certain areas, and the buffer disturbance was reduced with the relocation of employee parking out of the floodplain. Additional property is being purchased for feeder parking.

Mr. Standish gave an overview of the policies and procedures implemented onsite to go above and beyond meeting Stormwater permit requirements. Some of the items mentioned were:

1. Routine lot sweeping, no outdoor truck washing, cleaning of fuel islands with a reclaim system that routes effluent routed to an oil/water separator, use of an enzyme-based soap for the car wash, car wash upgrade to reduce water usage
2. Exterior LED light upgrade
3. Battery, anti-freeze, used oil, tire, pallet, and cardboard recycling

Mr. Smith provided handouts and discussed the current revised plan that reduces the total buffer disturbance by half. He stated that the No-Rise Certification was submitted to Staff and is under review. He also discussed their evaluation of additional features that would improve water quality and reduce runoff: a) a green roof was determined to be impractical, b) some bioretention and pervious pavement will be added, c) the tree density will be increased significantly above the requirement, d) the car wash upgrade will be implemented, e) the amount of buffer disturbance will be reduced due to relocation of employee parking, f) the property transfer easement for the greenway will be provided, g) UPS will participate in the Adopt-a-Stream Program, and h) the TVA long-term landscape maintenance plan will be implemented.

Mr. Lance Wagner asked if the future parking shown on the Grading Plan would be built under this phase, to which Mr. Smith responded that it would be a separate project and not part of the variance. Staff stated that if it is included in this phase, water quality would have to be provided; otherwise, it would need to be removed from the variance Plan of Record. The applicant stated that it will not impact the buffer or floodway. The Committee and Staff were in agreement that if it does impact the buffer or the variance, the project will have to return to the Committee.

After discussion during the Executive Session of the Committee and review of the information presented, Ms. Debra Grimes made a motion to approve as presented with the following Conditions #1-3 and standard Conditions #4-5. Mr. Wagner seconded the motion. Ms. Grimes, Ms. Anna Maddox, Mr. Slade Sevier, and Mr. Wagner voted in favor of the motion.

1. The No-Rise Certification shall be reviewed and approved by Staff.
2. It is the Committee's understanding that the former church parcel (APN 05900007300 as shown on the Grading Plan presented 9/1/16) will be excluded from the Grading Plan for this project and will meet its own water quality and detention requirements.
3. The Appellant shall submit full-size sheets of the Mitigation Plan with the floodway and floodway buffer clearly delineated and labeled on all applicable sheets, and modify the SWMC 2-year survivability condition to include the final variance number, #201600024.
4. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201600024), once plantings are installed per approved variance plans and again once plantings have been found to meet a two full growing season requirement. The owner shall maintain a minimum of 75 percent survivability of plantings through two full growing seasons.
5. This variance will expire on September 1, 2017. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 201600024 as set out above and further described in the case record, be and is hereby **GRANTED.**"

Reasons for approval were: 1) the Appellant met all of the requirements that were specified with the Preliminary SWM Plan approval, 2) they would like to keep them in Davidson County, 3) they have implemented things to improve the environment and the site itself, and 4) they will provide economic impact to the area.

7. 201600018

517 Hickory Hills Blvd Driveway Addition
APN 04000022100

Inspector: (Katherine O'Hara)

CD-03 (Brenda Haywood)

APPLICANT'S REQUEST: Previously deferred on August 4, 2016. Variance request is to allow the following:

- 1) Disturbance and encroachment for construction of a second driveway crossing (within 150' of an existing driveway) within the 50' stream buffer (30' Zone 1 and 20' Zone 2) of an unnamed tributary to Little Creek. Multiple stream crossings are required to be at least 1,000' apart. Disturbance also includes associated grading, fill, and placement of riprap.
- 2) Continuous mowing and maintenance of the buffer area.

APPELLANT: 517 Hickory Hills Associates, GP

REPRESENTATIVE: Mr. Joseph Haddix

COMMENTS:

SW STAFF: Staff comments are as follows:

1. The applicant has provided a revised Statement of Hardship.
2. A total of nine Forest Pansy Redbuds are now being proposed as mitigation. The original mitigation plan proposed four.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways defers to Metro Storm Water comments.

Mr. Joe Haddix gave an overview of the items that were to be addressed from the previous deferral. He stated that existing power lines over the buffer area limit the types of plant material available. He also provided exhibits of the turning movements through the parking lot. Employees currently have to move their vehicles at certain times of the day to maneuver the secure transport vehicles through safely. Mr. Haddix stated that it is a requirement from potential customers and current clients that they would like the direct access straight into the building. Mr. Lance Wagner asked if they were state or federal guidelines or regulations to which Mr. Haddix stated that he could not personally locate those. There was discussion regarding hardship and other possibilities. An additional jurisdictional investigation was submitted; however, a stream determination by a qualified hydrologic professional had not been conducted. There was further discussion about the parking needs, using compact spaces, making the turning radius longer, widening the existing drive without needing an additional crossing, and not having to return to the Committee at all if it is determined to be a wet weather conveyance.

After discussion during the Executive Session of the Committee and review of the information presented, Mr. Roy Dale moved to deny the request as submitted. Ms. Debra Grimes seconded the motion. The motion was approved by Mr. Dale, Ms. Grimes, Ms. Anna Maddox, Mr. Slade Sevier, and Mr. Wagner.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 201600018 as set out above and further described in the case record, be and is hereby **DENIED.**”

The reasons for denial were that multiple crossings on a tributary and disturbance of the buffer are not necessary, there are other ways they can accomplish what they want, and the uncertainty of the classification of the stream (as a stream or a wet weather conveyance).

8. 201600025

Cedar Place Townhomes (Multiple Lots)

Map 114150A, Parcels 03100CO, 02300CO, 02400CO, & 00400CO-01600CO

107, 112, 114 Cedar Place Bend

206, 208, 210, 212, 214, 216, 218, 220, 222, 226, 228, 230, & 232 Cedar Place Row

Inspector: (Leigh Nelson)

CD-22 (Sheri Weiner)

APPLICANT'S REQUEST: Variance request is to allow the construction of 16 Units of Cedar Place Townhomes with the first floor elevations (FFE) of 16 Units below Metro's requirement of 4' above the BFE (of Overall Creek) and the FFEs of 2 garages below Metro's requirement of 1' above the BFE. The BFE varies across the project site. Below is a summary of lot number, address, proposed FFEs of each Unit and garage, and the difference from Metro's minimum first floor elevation requirement:

Lot 23 - 112 Cedar Place Bend: Unit FFE = 484.6' (2.5' above)
Lot 24 - 114 Cedar Place Bend: Unit FFE = 485.4' (3.4' above)
Lot 31 - 107 Cedar Place Bend: Unit FFE = 484.5' (2.4' above)
Lot 4 - 206 Cedar Place Row: Unit FFE = 486.3' (3.8' above)
Lot 5 - 208 Cedar Place Row: Unit FFE = 486.3' (3.9' above)
Lot 6 - 210 Cedar Place Row: Unit FFE = 485.0' (2.7' above)
Lot 7 - 212 Cedar Place Row: Unit FFE = 485.0' (2.7' above)
Lot 8 - 214 Cedar Place Row: Unit FFE = 485.0' (2.8' above)
Lot 9 - 216 Cedar Place Row: Unit FFE = 484.2' (2.0' above)
Lot 10 - 218 Cedar Place Row: Unit FFE = 483.2' (1.0' above)
Lot 11 - 220 Cedar Place Row: Unit FFE = 483.2' (1.0' above)
Lot 12 - 222 Cedar Place Row: Unit FFE = 483.2' (1.1' above), Garage FFE = 482.5' (0.4' above)
Lot 13 - 226 Cedar Place Row: Unit FFE = 483.2' (1.1' above), Garage FFE = 482.5' (0.4' above)
Lot 14 - 228 Cedar Place Row: Unit FFE = 483.1' (1.1' above)
Lot 15 - 230 Cedar Place Row: Unit FFE = 483.1' (1.1' above)
Lot 16 - 232 Cedar Place Row: Unit FFE = 483.1' (1.1' above)

APPELLANT: Mr. Garry Batson

REPRESENTATIVE: Mr. Garry Batson

COMMENTS:

SW STAFF: There appears to be opportunity for mitigation to be provided.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways has no comments.

Mr. Garry Batson gave overview of the project and variance requests. He stated that all of the infrastructure is in and gave a brief description of the current status of construction. He stated that they initially did not want to do a mitigation plan; however, staff recommended one. Mr. Batson stated that they have a plan, and he had submitted a copy to Ms. Rebecca Dohn (MWS Stormwater – NPDES). They are providing an additional 37 trees along with turf grasses. Mr. Batson stated that all of the units will be raised. There was discussion regarding the previously conducted flood studies and the Corps' most current revision to the Preliminary Study. Mr. Batson stated that FEMA's requirement will be met. Flood insurance rates were briefly discussed, and Mr. Roger Lindsey (MWS – Stormwater) stated that rates change when the first floor elevation is below the 100-year base flood elevation.

After discussion during the Executive Session of the Committee and review of the information presented, Mr. Roy Dale made a motion to approve with the following Condition #1 and standard Conditions #2-3. Ms. Anna Maddox seconded the motion. Mr. Dale, Ms. Debra Grimes, Ms. Maddox, Mr. Slade Sevier, and Mr. Lance Wagner voted in favor of the motion.

1. The Appellant shall submit the Mitigation Plan to be reviewed and approved by Stormwater Staff.
2. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201600025), once plantings are installed per approved variance plans and again once plantings have been found to meet a two full growing season requirement. The owner shall maintain a minimum of 75 percent survivability of plantings through two full growing seasons.

3. This variance will expire on September 1, 2017. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

IV. ITEMS OF BUSINESS

There were no items of business.

V. ADJOURNMENT

The meeting was adjourned at 11:28 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____